

## **Chapter 3**

### **ANIMALS AND FOWL\***

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\* **State Law References:** Cruelty to animals, M.S.A., §§ 28.161, 28.245.

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#### **Art. I. In General, §§ 3-1--3-15**

#### **Art. II. Dogs, §§ 3-16--3-33**

### **ARTICLE I.**

#### **IN GENERAL (Reserved)**

**Secs. 3-1--3-15. Reserved.**

### **ARTICLE II.**

#### **DOGS\***

### **ARTICLE III.**

#### **FARM ANIMALS**

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\* **State Law References:** Dog law, M.S.A., §§ 12.511 et seq.; rabies control generally, M.S.A., § 14.311 et seq.

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#### **Sec. 3-16. Dog warden; designation; status.**

The dog warden of the County of Midland is hereby designated as dog warden for the city. Such warden shall not be considered an employee of the city and shall receive no salary or benefits from the city.

#### **Sec. 3-17. Running at large prohibited.**

It shall be unlawful for any person to permit or allow any dog, whether licensed or unlicensed, to run at large or stray beyond the premises of such owner unless under reasonable control of some person.

**State Law References:** Similar provision, M.S.A., § 12.512.

#### **Sec. 3-18. Howling dogs.**

No person shall harbor or keep any dog which by loud or frequent or habitual barking, yelping or howling shall cause a serious annoyance to the neighborhood or to the people passing to and fro upon the streets.

**Sec. 3-19. Dog odors.**

No person shall harbor or keep any dog which shall create an unpleasant odor in the neighborhood.

**Sec. 3-20. Acts, conditions declared nuisances.**

All acts or conditions prohibited by this article are hereby declared to be nuisances, with the exception of the licensing and impoundment provisions of this article.

**Sec. 3-21. License tag to be worn by dogs.**

It shall be unlawful for any person to keep, possess, harbor or have the care or charge of any dog, age four (4) months or over within the city, unless such dog shall wear a collar to which is attached the license tax provided for by the state law.

**Cross References:** Licenses and business regulations, Ch. 15.

**State Law References:** Dog tags, M.S.A., § 12.512 et seq.

**Sec. 3-22. Disposition of biting, rabid dogs.**

It shall be the duty of any person harboring or owning a dog which has been attacked or bitten by another dog or other animal showing the symptoms of rabies, to immediately notify the dog warden or health department that he has such a dog in his possession. Whenever a dog is brought to the pound for having bitten a person, the dog warden may, if deemed necessary and advisable, and after holding such dog for sufficient length of time to meet the requirements of the health department for investigation, cause such a dog to be destroyed as a vicious dog.

**Sec. 3-23. Warden authorized to pick up, impound dogs, police powers.**

It shall be duty of the dog warden to enforce the provisions of this article. He is authorized to pick up and impound dogs at a dog pound. Such dog warden shall have all power and authority of a police officer of the city in the enforcement of this article.

**Sec. 3-24. Warden to keep impoundment record.**

The dog warden shall keep a record of the breed, sex, age, color, and markings of every dog impounded, together with the date and hour of such impounding.

**Sec. 3-25. Weekly report to chief of police.**

The dog warden shall make a weekly report to the chief of police showing the number and sex of all dogs impounded during the week in the city and the disposition of such dogs.

**Sec. 3-26. When person presumed dog owner.**

Every person in possession of any dog who shall allow such dog to remain about his premises for a period of five (5) days shall be deemed the owner thereof.

**Sec. 3-27. Notice to owner of impoundment.**

It shall be the duty of the dog warden, as soon as any dog may be received by him under the provisions of this article, to serve notice in writing upon the owner or owners of such dog, if such owner or owners be known. It shall be the duty of the dog warden to reasonably ascertain who the owner or owners of any impounded dog are.

**Sec. 3-28. Disposition of impounded animals.**

All dogs placed under the custody of the dog warden shall be kept by the dog warden for at least five (5) days, and if the owner or owners cannot then be ascertained, the dog shall be disposed of in the following manner:

- (a) If the dog is diseased in the opinion of the dog warden and is not being held under the provisions of section 3-22, it shall be immediately disposed of by killing in a humane manner.
- (b) If the dog appears to be a mixed breed, it may be held for sale for a period of five (5) days and if not sold then, be killed in a humane manner.
- (c) If the dog appears to be a thoroughbred dog, it may be held for a period of one month, and if not sold within one month, it shall be killed in a humane manner.

**Sec. 3-29. Redemption of impounded dogs.**

Owners of all dogs impounded under the provisions of this article may claim such dogs by properly identifying themselves as the owner of such animal, and by paying the fees for boarding and impounding which have been duly established. In all cases a proper license shall be produced for such dog in the event that such dog is not already properly licensed.

**Sec. 3-30. Unlawful for nonowner to claim dog.**

It shall be unlawful for any person to claim or attempt to claim any dog under the provisions of this article when such person is not the legitimate owner of such dog.

**Sec. 3-31. Records upon sale, return of dog.**

The dog warden, when delivering a dog which has been impounded, to the owner or to a purchaser, shall make out a triplicate receipt describing the dog, stating the hour and date of its delivery, and stating whether the receipt is for the sale of a dog or for the keep of a dog. The dog warden shall keep one receipt, give one to the owner or purchaser, and return one copy and the funds collected to the county treasurer.

**Sec. 3-32. Sale fee.**

Fees for the sale of dogs taken up by the dog warden shall be determined by the dog warden, and shall be in addition to any impounding fee and any per day fee.

**Sec. 3-33. Removal of dead dogs.**

The dog warden shall upon notice, have the duty of immediately picking up any dead dog that may be found lying or abandoned upon any street or elsewhere within the city limits, and removing such dead dog to the dog pound.

**Cross References:** Garbage and trash, Ch. 10.

**ARTICLE III.**

**FARM ANIMALS**

**Sec. 3-40. Animals—Keeping, Harboring, Breeding.**

It shall be unlawful to keep, harbor or breed any farm animal as defined in the City of Midland Zoning Ordinance, being Ordinance No. 1585, except (1) farm animals kept in that portion of the city zoned for agricultural purposes, or (2) animals used in a parade or for providing rides on a temporary basis for which a permit has been issued, or (3) animals kept as part of a show or event at the Midland County Fairgrounds, or (4) miniature pigs subject to the provisions of Division 2 of this article.

**Sec. 3-41. Definition—Miniature Pigs.**

As used in this article a miniature pig shall mean a pig that does not exceed a weight of 40 pounds at maturity.

**Sec. 3-42. License Required.**

(a) All miniature pigs kept within the city shall be licensed annually by the City Clerk of the City of Midland within seven (7) days of the time the animal is taken to its place of residence. Said license shall apply to a specific miniature pig, the person responsible for harboring the miniature pig, and the specific premises where the miniature pig is kept. Said miniature pig license shall not be transferable from one animal to another, from one person to another, or from one premises to another. Application and renewal for licensure shall include all of the following:

1. A current health certificate from a licensed veterinarian which attests to the weight and general health of the animal.
2. Payment of an annual fee of \$25.00.

(b) A miniature pig license shall continue to be valid until such time as:

1. The annual renewal fee is not timely paid in accord with the license application.
2. A current health certificate from a licensed veterinarian is not provided upon renewal.

3. The miniature pig is no longer maintained at the licensed location.
4. The licensee no longer resides at the location stated in the license.
5. The license is revoked.

**Sec. 3-43. Running at large prohibited.**

A miniature pig shall reside in the residence of the owner as a pet and shall not be kept outdoors with exception of periods for exercise and for elimination of waste. It shall be unlawful for the owner of any miniature pig to permit such animal to run at large. Any miniature pig shall be deemed to be running at large unless on a leash, under control of an accompanying person or confined within a motor vehicle, building, fence, or other enclosure of sufficient construction so as to prevent the miniature pig from escaping.

**Sec. 3-44. Limitation.**

It shall be unlawful for any person to maintain more than one miniature pig at one licensed premises. Each dwelling licensed to harbor a miniature pig may harbor only one miniature pig. All locations where miniature pigs are kept shall be maintained in a clean and sanitary condition.

**Sec. 3-45. Breeding and health.**

It shall be unlawful for any person to maintain a miniature pig, which (a) is not spayed or neutered upon reaching maturity, or (b) has not undergone a blood test to show the animal is free from pseudo rabies, or (c) is maintained as a food source.

**Sec. 3-46. License suspension or revocation.**

The City Clerk may suspend or revoke any license once granted, or deny annual renewal thereof, when any provision of this division has been violated. Prior to suspension or revocation of any license, or upon denial of an application for renewal thereof, written notice for such action shall be given to the owner of the miniature pig.

**Sec. 3-47. Violations.**

Violation of this article shall constitute a municipal civil infraction as provided in Chapter 34 of this Code of Ordinances and may result in revocation of the miniature pig license.

(Ord. No. 1711, § 1, 11-22-10)